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HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.M.P.No.200 of 2006

Petitioners

1. Vikas Pandit s/o Late Shri Lal Bihari Pandit, aged about 41 years, r/o Qr.No.22-D, Street No.4, Sector II, Bhilai Nagar, District- Durg (CG) Presently residing at Gita Nagar, Phase VI, Wing 1/103, Meera Road, Thane(Maharashtra)
2. Smt. Saraswati Pandit, Wd/o Late Shri Lal Bihari Pandit, aged about 67 years,
3. Smt. Prabasi Burman, W/o Shri Dilip Burman, aged about 38 years,

Both residents of Qr.No.22 -D Street No.4, Sector II Bhilai Nagar, District-Durg.

Versus

Non-Applicants

1. State of Chhattisgarh, Through Mahila Police Station, Durg, District-Durg(CG)
2. Mrs. Sarmishta Pandit, W/o Vikas Pandit, aged about 35 years r/o 6/40 Ispat Nagar, Risali, Bhilai(CG)

Appearance:

Shri Vikas Pandit-petitioner No.1 and Smt. Prabasi Burman-petitioner No.3 are present in person along with Shri Sandeep Shrivastava and Smt. Arti Chandra, Advocates. They are duly identified by them.

Petitioner No.2- Smt. Saraswati Pandit is said to be ill, therefore, she is not present and is represented through Shri Sandeep Shrivastava, Advocate.

Shri G.K.Beriwal, Dy. Advocate General appears for the State/respondent No.1.

Smt. Sarmishta Pandit-respondent No.2 is also present in person along with Shri V.G. Tamaskar, Advocate. She is also identified by him.

Let the identification be done in the order sheet.

ORAL ORDER
(11.4.2007)

SUNIL KUMAR SINHA, J.

Heard.

Learned counsel for the parties argue that the petitioners and respondent No.2 had filed an application for compounding the offence before the Magistrate on 27.9.2006 under Section 320 (2) Cr.P.C., but the same was dismissed by the Magistrate, saying that the said court was having no jurisdiction to compound the offence as it is not mentioned in Section 320 Cr.P.C.

Both the counsel submit that since the parties have entered in to a compromise and they are willing to compound the offence, it may be permitted here to them and the proceedings of Cr. Case No.787/2001(State Vs. Vikas Pandit and others), presently pending in the Court of J.M.F.C. Durg, be quashed.

Admittedly, at the instance of respondent No.2, the aforesaid crime was registered and ultimately, a charge sheet was filed by the Police.

I have personally enquired from respondent No.2 as to whether she has entered into compromise with the petitioners? She replies "Yes" she has entered into a compromise and she has no objection in quashing the proceedings, pending before the Magistrate. The question for consideration is one of jurisdiction.

The jurisdiction of the High Court under Section 482 Cr.P.C. regarding quashment of a proceeding u/s 498-A IPC, in view of Section 320 Cr.P.C. is no longer *res intergra*. It has been observed by the Apex Court in the matter of **B.S.Joshi and others, Vs. State of Haryana & another, 2003(2) C.G.L.J., 35** that 'there is no doubt that the object of introducing Chapter XX-A containing Section 498-A in the Indian Penal Code was to prevent torture to a woman by her husband or by relatives of her husband. Section 498-A was added with a view to punishing a husband and his relatives who harass or torture the wife to coerce her or her relatives to satisfy unlawful demands of dowry.

The hyper-technical view would be counter-productive and would act against interests of women and against the object for which this provision was added. There is every likelihood that non-exercise of inherent power to quash the proceedings to meet the ends of justice would prevent women from settling earlier. That is not the object of Chapter- XX-A of the Indian Penal Code'. Observing this, the Apex Court laid down that such proceedings can be quashed by the High Court under Section 482 Cr.P.C. in its inherent jurisdiction.

After hearing the parties and after being satisfied that after the divorce, mutually taken by both the parties, as stated by them before me, when the parties have entered into a compromise and are praying for quashing of the proceedings under Section 498-A IPC and Section 3 & 4 of the Dowry Prohibition Act, it would be just and proper for this Court to accept their compromise and to quash the proceedings under the inherent jurisdiction.

Accordingly, the prayer is allowed.

It is hereby directed and declared that the proceedings of Cr. case No. 787/2001(State Vs. Vikas Pandit and others), pending in the Court of J.M.F.C. Durg are hereby quashed on the ground of compromise being entered into between the parties.

The petition stands finally disposed of.

No orders as to cost.

Sd/-
SUNIL KUMAR SINHA
Judge